

AGENDA MEMO

CITY COUNCIL MEETING DATE: FEBRUARY 7, 2007

DEPARTMENT: PLANNING AND DEVELOPMENT

ITEM DESCRIPTION: ABEYANCE - VAR-17871 - APPLICANT: DÉJÀ VU'S LITTLE DARLINGS - OWNER: ARTHUR G. AND JEAN M. GRANT

THIS ITEM WAS HELD IN ABEYANCE FROM THE JANUARY 17, 2007 CITY COUNCIL MEETING AT THE REQUEST OF THE APPLICANT.

**** CONDITIONS ****

Staff recommends DENIAL. The Planning Commission (5-0 vote) recommends APPROVAL, subject to:

Planning and Development

1. Approval of and conformance to the Conditions of Approval for Site Development Plan Review (SDR-17312) shall be required.
2. This approval shall be void two years from the date of final approval, unless a certificate of occupancy has been issued or upon approval of a final inspection. An Extension of Time may be filed for consideration by the City of Las Vegas.

**** STAFF REPORT ****

PROJECT DESCRIPTION

The application is a request for a Variance to allow a proposed 80-foot high double face 1,235 square-foot freestanding sign where 720 square feet is the maximum allowed on a 2.46 acre site located at 1508 Western Avenue, east of the Interstate 15 corridor and Western Avenue.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>	
12/21/06	The Planning Commission recommended approval of companion item SDR-17312 concurrently with this application. The Planning Commission voted 5-0 to recommend APPROVAL (PC Agenda Item #35/ja).
<i>Pre-Application Meeting</i>	
09/20/06	A Pre-application meeting was held with the applicant. The applicant was informed of the Title 19 – Section 19.14.060 sign regulations related to sign quantity, area, height, setbacks, and separation.
<i>Neighborhood Meeting</i>	
A neighborhood meeting was not held for this type of application nor is one required.	

<i>Details of Application Request</i>	
<i>Site Area</i>	
Gross Acres	2.46 acres

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Adult Entertainment	LI/R – Light Industrial/Research	M (Industrial)
North	Commercial Industrial	C (Commercial)	M (Industrial)
South	Commercial Industrial	C (Commercial)	M (Industrial)
East	Commercial Industrial	C (Commercial) LI/R (Light Industrial/Research)	M (Industrial)
West	Commercial Industrial	C (Commercial)	M (Industrial)

<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Purpose and Overlay Districts			
A-O (Airport Overlay) District	Y		Y
Revitalization Area	Y		Y
Trails		N	Y
Rural Preservation Overlay District		N	Y
Development Impact Notification Assessment		N	Y
Project of Regional Significance		N	Y

DEVELOPMENT STANDARDS

Freestanding Signs: [type in sign reference]				
Standards	Ratio	Allowed	Provided	Compliance
Maximum Number	1 sign / 200 Lineal feet of Street frontage	1 sign	1 sign	Y
Maximum Area	2 SF of sign area /lineal foot of Street frontage	720 SF	1,235 SF	N
Maximum Height	40 Feet (maximum 30-feet above nearest elevated freeway near proposed freestanding sign)		80 Feet	Y
Minimum Setback	5 Feet		5 Feet	Y
Illumination	200 feet from single- family residential		N/A	N/A

ANALYSIS

The project requests a Variance to allow for an 80-foot freestanding sign with a 1,235 square foot sign face where 720 square feet is the maximum allowed per Title 19 Sign Standards.

- General Plan/Zoning

The General Plan land use category for the project site is LI/R (Light Industrial/Research) and is situated within a designated revitalization area. Additionally, the site is within the M (Industrial) zone and freestanding signage is permitted within this zone classification.

- Site Plan

The project would involve installation of one 80-foot tall freestanding sign located near the southern property line. Title 19 Sign Standards limits the maximum number of signs to 1 sign for every 200 lineal feet of street frontage. The eastern property line fronting Western Avenue contains 360 lineal feet therefore 1 sign is the maximum permitted for this site.

- Elevations

The freestanding sign would be a double faced illuminated pylon display installed within an existing surface parking lot of a sexually oriented business. Title 19 Sign Standards limits the total maximum area of freestanding signage to no greater than 2 square feet of sign area for each lineal foot of street frontage. The street frontage for the subject parcel is 360 lineal feet and as such the sign face is limited to 720 square feet.

FINDINGS

In accordance with the provisions of Title 19.18.070(B), Planning Commission and City Council, in considering the merits of a Variance request, shall not grant a Variance in order to:

1. Permit a use in a zoning district in which the use is not allowed;
2. Vary any minimum spacing requirement between uses;
3. Relieve a hardship which is solely personal, self-created or financial in nature.”

Additionally, Title 19.18.070L states:

“Where by reason of exceptional narrowness, shallowness, or shape of a specific piece of property at the time of enactment of the regulation, or by reason of exceptional topographic conditions or other extraordinary and exceptional situation or condition of the piece of property, the strict application of any zoning regulation would result in peculiar and exceptional practical difficulties to, or exceptional and undue hardships upon, the owner of the property, a variance from that strict application may be granted so as to relieve the difficulties or hardship, if the relief may be granted without substantial detriment to the public good, without substantial impairment of affected natural resources and without substantially impairing the intent and purpose of any ordinance or resolution.”

No evidence of a unique or extraordinary circumstance has been presented, in that the applicant has created a self-imposed hardship with the excessive design of the proposed sign face. A reduced project alternative that meets or exceeds the applicable Title 19 sign face threshold (at or below 720 square feet) would allow conformance to the Title 19 requirements. In view of the absence of any hardships imposed by the site’s physical characteristics, it is concluded that the applicant’s hardship is preferential in nature, and it is thereby outside the realm of NRS Chapter 278 for granting of Variances. Staff recommends denial of the Variance request.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 16

ASSEMBLY DISTRICT 9

SENATE DISTRICT 10

NOTICES MAILED 111 by City Clerk

APPROVALS 0

PROTESTS 2